

REMARKS

Applicants request reconsideration of the present application in view of the following remarks.

Claims 1-34 are pending in the present application. Claims 1, 22, 26, 27, and 31-34 are the independent claims.

Claims 8, 10, 13, 21, and 34 have been amended. No new matter has been added.

The Office Action objected to claims 8, 10, and 21 on formal grounds. In response, Applicants have amended claims 8, 10, and 21 in view of the Examiner's comments.

Favorable consideration is respectfully requested.

The Office Action objected to claim 21 on formal grounds. Specifically, the recitation "first fly-eye lens" was objected to as allegedly incorrect. In response, attention is directed to at least item 25 of FIG. 3 and paragraph [0027] of Applicants' disclosure whereat the use of a single fly-eye lens having lens elements is shown and described.

Favorable consideration is respectfully requested.

Claim 13 stands rejected under the second paragraph of 35 U.S.C. § 112. While not conceding the propriety of this rejection, Applicants have amended claim 13 in view of the Examiner's comments. Applicants respectfully submit that claim 13 now even more fully satisfies the requirements of the second paragraph of 35 U.S.C. § 112.

Accordingly, favorable reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Claims 1-12 and 14-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,594,090 (Kruschwitz et al.) in view of U.S. Patent No. 6,288,815 (Lambert). This rejection is respectfully traversed.

Independent claim 1 recites, inter alia, light emitting units emitting light beams of different wavelengths;

Independent claims 22 and 26 recite, inter alia, emitting light beams of different wavelengths.

Independent claim 27 recites, inter alia, a light emitting unit having a plurality of light emitting elements that emit light beams of different wavelengths along a light path.

Independent claims 31-33 recite, inter alia, a plurality of light emitters each emitting a light beam of a wavelength corresponding to a different color.

Independent claim 34 recites, inter alia, light emitters which emit light beams of different wavelengths.

However, while not conceding the propriety of the asserted combination, Applicants respectfully submit that the Office Action has failed to make out a case of prima facie obviousness. Further, the asserted combination is improper at least because it impermissibly alters the principle of operation of the primary citation.

Kruschwitz et al. relates to a laser projection display system and describes a laser 20 which emits a laser beam 22 toward beam expansion optics 24. (Kruschwitz et al., Col. 4, lines 28-30; Fig. 2). The beam optics expand the laser beam to yield a diverging beam 28. (Kruschwitz et al., Col. 4, lines 43-44; Fig. 2). Kruschwitz et al. also describes a moving diffuser 34 which diffuses the diverging beam. (Kruschwitz et al., Col. 4, lines 56-60; Fig. 2).

The Office Action contends that the laser is the equivalent of "light emitting units ... emitting light beams of different wavelengths." (Office Action, page 4). This contention is respectfully traversed.

Kruschwitz et al. expressly teaches that the laser emits laser beam is "of a desired wavelength" (Kruschwitz et al., Col. 4, lines 30 and 31). Thus, absent from Kruschwitz et al. is any teaching or suggestion of emitting light beams of different wavelengths or light emitters which emit light beams of different wavelengths. And, as a result, also absent is any teaching or suggestion of separating light beams (of different wavelengths) into color beams or a scrolling unit which separates light beams (of different wavelengths) into color beams.

Lambert is cited for its suggestion of a scrolling unit having spirally arranged cylindrical lens cells. (Office Action, page 4). However, Applicants respectfully submit that even if this characterization is correct, Lambert's suggestion does not remedy the aforementioned deficiency of Kruschwitz et al. Thus, the Office Action has not made out a case of prima facie obviousness.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 22, 26, 27, and 31-34 under 35 U.S.C. § 103 are respectfully requested.

Independent claims 1, 22, 26, 27, and 31-34 are allowable for another reason. Section 2142.01 the Manual of Patent Examining Procedure (MPEP) warns that:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.

Citing In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Such is the case here.

Kruschwitz et al. describes an apparatus projecting a laser beam of a single wavelength. For this reason, the moving diffuser of Kruschwitz et al. modifies the brightness or etendue of the laser light (Kruschwitz et al., Col. 4, lines 56-59) or reduces the source brightness (increasing lagrange) and the source coherence (Kruschwitz et al., Col. 6, lines 39-42). Absent from Kruschwitz et al. is any suggestion of scrolling color beams. Conversely, Lambert describes radially oriented cylindrical lens structures which scroll lights of different wavelengths. Because the moving diffuser of Kruschwitz et al. only serves to diffuse a diverging beam and contemplates a laser of single wavelength, modification as suggested in view of Lambert would change the principle of operation of Kruschwitz et al.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 22, 26, 27, and 31-34 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants submit that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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